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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,230	09/14/2000	Hideo Ando	04329.2387	3095

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/13/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/662,230

Applicant(s)

ANDO ET AL.

Examiner

James A. Fletcher

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 5, 6, 7, and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 6, 7, and 15-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 31 October 2003 have been fully considered but they are not persuasive.

**In re page 4**, applicant's representative states, "Kazami does not disclose that the image is representative of the content of the file."

The examiner respectfully disagrees. As noted in the applicant's representative's arguments, Kazami reads out the leading image from a selected image file to make a representative thumbnail. As the "leading image," not only is the thumbnail representative of the data in the image file, it is also the first presented image, reading directly on the language in claim 1.

**Further in re page 4**, applicant's representative states, "Wactlar teaches that the function 35 will typically not use the first images that are displayed for a video segment."

The examiner respectfully disagrees. As Wactlar states in Col 13, lines 63-65 "If the first twenty (20) seconds of several sequence are 'talking head' introductions, icons and micons provide no significant visual clue bout the content of the video," he clearly shows that such conditions for not using the first images are atypical. Conversely, Wactlar indicates that if those conditions were not met, the first image would clearly be a very good choice as a representative image.

Since applicant fails to claim a limitation associated with, for example, several sequences, wherein the first 20 seconds of the several sequences are substantially the

same, the applicant has not limited himself to any particular condition of the video presentation.

**In re page 5**, applicant's representative states "Maruyama first displays information stored at locations designated by the lead-in area and does not first display the representative picture."

The examiner notes that he admitted Maruyama suggests the selection of a representative frame to be displayed. This suggestion is reinforced in Maruyama at Col 29, lines 24-25 "The plurality of frames include representative frames each representing a corresponding chapter." Maruyama goes on to state that the representative frame is displayed in Col 3, line 5 "printing out the representative picture."

**In re page 6**, applicant's representative states that Kazami does not disclose that the image is representative of the content of the file.

The examiner respectfully disagrees. Kazami's image is clearly representative of the content of the file, as indicated in Col 1, lines 55-58 "The computer partially reads out the leading image from the selected image file, and generates a thumbnail image... The thumbnail image generated in this manner is displayed in a list with its associated file name in the thumbnail display section." Since the thumbnail is a reduced version of the first image of the selected file, and it is displayed with the associated file name, it clearly serves the function of identifying the content of the file, and therefore is obviously representative of the content of the file.

**In re page 7**, applicant's representative states that Maruyama fails to teach or suggest "recording a still image being coincident with the representative image of

contents of the first audio information before being divided..." and cites Col 33 as an indication of a division of the information

The examiner respectfully disagrees. As noted in the applicant's representative's cited text, "The representative picture is used as a picture to be printed on a disc label." This is clearly not a situation of an image or images being generated from a divided information.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 15, 16, 18, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wactlar (5,825,667), and further in view of Kazami et al (6,035,093).

**Regarding claim 1**, Wactlar et al disclose an information storage medium for recording audio information and still image information recording (Col 16, lines 48-49 "the use of disk striping on disk arrays"):

- one or more music reproduction units for reproducing the audio information (Col 3, line 4 "audio can be played"); and
- set information for setting the still image information to represent contents of the first reproduction unit (Col 11, lines 66-67 "Each paragraph may be reasonably abstracted by a 'representative frame'"),

- wherein the set information is provided for at least one of the music reproduction units (Col 11, lines 66-67 "Each paragraph may be reasonably abstracted by a 'representative frame,'" ), and
- Wactlar suggests the still image information configured to be displayed first in the music reproduction unit is set as the still image information being representative of the contents of the music reproduction unit (Col 17, lines 52-53 "image processing helped select representative still images for icons and sequences from scenes"), but does not specifically disclose the automatic selection of the first shown image as being the representative image.

Kazami teaches the use of the first image in a file as being a representative image (Col 1, lines 55-59 "The computer partially reads out the leading image from the selected image file, and generates a thumbnail image by reducing the pixel density of that leading image. The thumbnail image generated in this manner is displayed in a list with its associated file name").

As suggested by Wactlar and taught by Kazami, the selection of a first image as a representative image of a sequence of images is a well known method of providing a user with image information to aid in the selection of an image file. Therefore, it would have been obvious to modify Wactlar to select the image to be displayed first as a representative image of a file comprising a sequence of images.

**Regarding claims 16 and 20,** Wactlar discloses a method and apparatus for reproducing the audio information and the still information from the medium of claim 1

(Title, Method and apparatus for creating a searchable digital video library and a SYSTEM AND METHOD OF USING SUCH A LIBRARY”).

**Regarding claim 18**, Wactlar discloses a method for recording the management information with respect to the still image information of the representative image on the medium of claim 1 (Abstract “steps of storing the indexed audio data and the digitized video data with their respective sets of time-stamps is also provided”).

**Regarding claim 22**, Wactlar discloses an apparatus for recording the audio information and the still image information on the medium of claim 1 (Abstract “storing the indexed audio data”).

**Regarding claim 15**, Wactlar discloses a method for reproducing music information from an information storage medium which records audio information associated with a representative image (Col 3, line 4 “audio can be played” and Col 11, lines 66-67 “Each paragraph may be reasonably abstracted by a ‘representative frame’”), still image information including the representative image (Col 17, line 48 “Appearing on the screen are several icons”), and management information (Abstract “a first set of time-stamps”), the reproducing method comprising:

- reproducing the management information to search for the representative image (Col 5, lines 25-27 “The digital video library system provides full-content search of, and retrieval from, an on-line database”); and
- reproducing the audio information corresponding to the searched representative image (Col 17, lines 60-62 “The screen fills with a video of

Arthur Clarke describing how he did not try to patent communications satellites”).

- Wactlar suggests the still image information configured to be displayed first in a unit of music reproduction is being set as the representative image (Col 17, lines 52-53 “image processing helped select representative still images for icons and sequences from scenes”), but does not specifically disclose the automatic selection of the first shown image as being the representative image.

Kazami teaches the use of the first image in a file as being a representative image (Col 1, lines 55-59 “The computer partially reads out the leading image from the selected image file, and generates a thumbnail image by reducing the pixel density of that leading image. The thumbnail image generated in this manner is displayed in a list with its associated file name”).

As suggested by Wactlar and taught by Kazami, the selection of a first image as a representative image of a sequence of images is a well known method of providing a user with image information to aid in the selection of an image file. Therefore, it would have been obvious to modify Wactlar to select the image to be displayed first as a representative image of a file comprising a sequence of images.



4. Claims 3, 17, 19, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable by Maruyama et al (6,453,119), and in further view of Kazami et al (6,035,093).

**Regarding claim 3,** Maruyama et al disclose an information storage medium (Col 1, lines 11-12 an information recording medium") for recording audio (Col 33, lines 3-4 "Audio objects are contents...of audio data"), still image (Col 33, lines 1-3 "Picture objects are still picture information such as still pictures and slide pictures"), and one or more reproduction sequences for reproducing the audio information (Col 23, lines 31-33 "Program chain contents...indicate the number of programs and number of cells...in the program chain"), wherein, in at least one of the reproduction sequences, the still image information is configured to be displayed at the same time when the audio information is reproduced (Col 9, lines 29-38 "Each video title set stores...audio data...and also information for playing back these data"), the medium being configured to record:

- information for specifying or designating the still image information to represent contents of the reproduction sequence in which the still image information is to be displayed (Col 39, lines 16-17 "representative picture data can be used as a material for an icon")
- Maruyama et al suggest the still image information configured to be displayed first in the music reproduction unit is set as the still image information being representative of the contents of the music reproduction unit (Col 39, lines 16-17 "representative picture data can be used as a material for an icon"), but

does not specifically disclose the automatic selection of the first shown image as being the representative image.

Kazami teaches the use of the first image in a file as being a representative image (Col 1, lines 55-59 "The computer partially reads out the leading image from the selected image file, and generates a thumbnail image by reducing the pixel density of that leading image. The thumbnail image generated in this manner is displayed in a list with its associated file name").

As suggested by Maruyama and taught by Kazami, the selection of a first image as a representative image of a sequence of images is a well known method of providing a user with image information to aid in the selection of an image file. Therefore, it would have been obvious to modify Maruyama to select the image to be displayed first as a representative image of a file comprising a sequence of images.

**Regarding claims 17 and 21,** Maruyama et al disclose a method for reproducing the audio information and the still image information from the medium of claim 3 (Col 1, lines 19-20 "an information playback method" and Col 33, lines 3-4 "Audio objects are contents...of audio data" and Col 33, lines 1-3 "Picture objects are still picture information such as still pictures and slide pictures").

**Regarding claims 19,** Maruyama et al disclose a method for recording the management information with respect to the still image information of the representative image on the medium of claim 3 (Col 1, lines 15-16 "an information recording method" and Col 23, lines 31-33 "Program chain contents...indicate the number of programs and

number of cells...in the program chain” and Col 33, lines 1-3 “Picture objects are still picture information such as still pictures and slide pictures”).

**Regarding claim 23**, Maruyama et al disclose an apparatus for recording the audio information and the still image information on the medium of claim 3 (Col 26, lines 27-28 “The disc drive unit that writes/reads [records/ plays back] information to/from DVD disc” and Col 33, lines 3-4 “Audio objects are contents...of audio data” and Col 33, lines 1-3 “Picture objects are still picture information such as still pictures and slide pictures”).

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama et al in further view of Kim et al (6,519,415).

**Regarding claim 5**, Maruyama et al disclose a method for setting a representative image, wherein the setting method uses an information storage medium for recording audio information, still image information, and management information indicative of a reproduction relationship between the audio information and the still image information (Col 39, lines 16-17 “representative picture data can be used as a material for an icon”), comprising:

- providing one or more music reproduction units for reproducing the audio information which includes first audio information managed in the music reproduction unit (Col 33; lines 3-4 “Audio objects are contents...of audio data”);
- recording, in the management information, a still image being coincident with the representative image of contents of the first audio information before

being divided, as a representative image of contents of the second audio information and as a representative image of contents of the third audio information (Col 39, lines 16-17 "representative picture data can be used as a material for an icon").

- Although Maruyama suggests dividing the first audio information managed in the music reproduction unit into second audio information and third audio information (Col 2, lines 53-60 "a first area for storing...a plurality of pictures...and a third area...for specifying a storage position of representative picture data"), they do not specifically disclose the display of multiple pictures during a single audio playback event.

Kim et al teach of the use of a plurality of pictures being displayed with the playing of an audio recording (Col 2, lines 26-29 "the method linked to the still pictures on a rewritable storage media includes recording obtained still pictures and/or audio signals which will be reproduced together with correspondent still pictures").

As suggested by Maruyama and taught by Kim, being able to play several still pictures in a single audio sequence would provide for a clean, continuous presentation that would not require user intervention to advance from one picture to the next. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to divide the audio information into a sequence of informations, each information associated with an individual still picture.

- Maruyama discloses a method for setting a representative image, wherein the second and third audio information can be used to reproduce music corresponding to the first audio information (Col 34, lines 57-61 "Program set 1402 consists of a set of a plurality of original cells=VOBs (video objects) 1403, 1404, and 1405 divided in accordance with the contents of audio & video data and the order of information recorded in AV file 1401").

**Regarding claim 6**, Maruyama et al disclose a method for setting a representative image, wherein the setting method uses an information storage medium for recording audio information, still image information, and management information indicative of a reproduction relationship between the audio information and the still image information (Col 39, lines 16-17 "representative picture data can be used as a material for an icon").

- Although Maruyama et al suggest providing one or more music reproduction units for reproducing the audio information which includes fourth audio information and fifth audio information managed in the one or more music reproduction units;
- combining the fourth audio information and the fifth audio information to form sixth audio information reproduced in the first reproduction unit; and
- recording in the management information, the representative image of contents of earlier-reproduced audio information, as a representative image of contents of the sixth audio information, wherein the earlier-reproduced audio information indicates one of the fourth audio information before combining

Art Unit: 2615

and the fifth audio information before combining, which one is reproduced earlier than the other after being combined, and

- wherein the sixth audio information can be used to reproduce music corresponding to the fourth and fifth audio information (Col 2, lines 53-60 “a first area for storing...a plurality of pictures...and a third area...for specifying a storage position of representative picture data”), they do not specifically disclose the display of multiple pictures during a single audio playback event.

Kim et al teach of the use of a plurality of pictures being displayed with the playing of an audio recording (Col 2, lines 26-29 “the method linked to the still pictures on a rewritable storage media includes recording obtained still pictures and/or audio signals which will be reproduced together with correspondent still pictures”).

As suggested by Maruyama and taught by Kim, being able to play several still pictures in a single audio sequence would provide for a clean, continuous presentation that would not require user intervention to advance from one picture to the next. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to divide the audio information into a sequence of informations, each associated with an individual still picture.

- Maruyama discloses a method for setting a representative image, wherein the fourth and fifth audio information can be used to reproduce music corresponding to the first audio information (Col 34, lines 57-61 “Program set

1402 consists of a set of a plurality of original cells=VOBs (video objects) 1403, 1404, and 1405 divided in accordance with the contents of audio & video data and the order of information recorded in AV file 1401”).

***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**7.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Application/Control Number: 09/662,230  
Art Unit: 2615

Page 15

Washington, DC 20231


**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF  
January 10, 2004

  
VINCENT BOCCIO  
PRIMARY EXAMINER